

1 **RESOLUTION NO. 8068**

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3 A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., granting a
4 waiver of the requirements of City of Topeka Code § 138-76 *et seq.*
5 relating to property tax exemptions for the SPS Processing Facility
6 located at 3801 NW 14th Street in Topeka, Kansas and rescinding
7 resolution 7914.

8 WHEREAS, Council on February 13, 2008 adopted resolution 7914, which allowed
9 the transfer of the property tax exemption on certain parcels of land from River Bottom
10 Group (“RBG”) to SPS Processing Company (“SPS”); and

11 WHEREAS, it has come to the councils attention that MBI, Inc. (“MBI”) is the actual
12 owner of the land which leases to SPS; and

13 WHEREAS, the transfer of the exemption should be corrected to include both MBI
14 and SPS as the transferees; and

15 WHEREAS, the Council desires to correct resolution 7914 to reflect the actual
16 parties involved in the transfer of the exemptions; and

17 WHEREAS, City of Topeka Code § 138-76 *et seq.* establishes a procedure for the
18 granting of economic development property tax exemptions, as allowed by Article 11,
19 Section 13 of the Kansas Constitution; and

20 WHEREAS, City of Topeka Code § 138-91 requires the submission of a new
21 application for exemption and approval by the City Council of the application if there has
22 been a change in the majority ownership of a business which owns exempted property;
23 and

24 WHEREAS, City of Topeka Code § 138-90 allows the City Council to waive the
25 application requirement upon a finding that a compelling or imperative reason exists for
26 doing so and such action is found and declared to be in the public interest; and

27 WHEREAS, the City Council has previously granted River Bottom Group, Inc.
28 (“RBG”) four (4) separate property tax exemptions for its facility located at 3801 NW 14th
29 Street; and

30 WHEREAS; RBG has transferred ownership of the facility at 3801 NW 14th Street to
31 SPS Processing, Inc. and MBI. Inc.; and

32 WHEREAS, SPS and MBI, Inc. wish to continue the property tax exemptions
33 previously granted to RBG, and have expressed their intention to continue the current level
34 of jobs, payroll and investment at the facility; and

35 WHEREAS, in order to ensure the orderly and timely transfer of the facility from
36 RBG to SPS and MBI, Inc., SPS and MBI, Inc. have requested that the City Council waive
37 the application requirements of City of Topeka Code § 138-91 and grant the transfer of the
38 property tax exemptions for this facility to its new owner, SPS and MBI, Inc.

39 NOW, THEREFORE, BE IT RESOLVED, BY THE COUNCIL OF THE CITY OF
40 TOPEKA, KANSAS THAT:

41 1. Pursuant to City of Topeka Code § 138-90, the City Council hereby finds that
42 there exists compelling reasons and it is hereby found to be in the public
43 interest to waive the procedural requirements of City of Topeka Code § 138-91
44 with regard to the transfer of the facility located at 3801 NW 14th Street from
45 RBG to SPS and MBI, Inc..

46 2. This waiver and the approval of the transfer of the property tax exemptions shall
47 be subject to the written agreement of SPS and MBI, Inc. to abide by the terms
48 and conditions of the following ordinances which granted the current property
49 tax exemptions:

50 City of Topeka Ordinance Number Board of Tax Appeals Number

